

EXHIBIT D

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANIBAL RODRIGUEZ, JULIEANNA)
MUNIZ, ELIZA CAMBAY, SAL) Case No.:
CATALDO, EMIR GOENAGA, JULIAN) 3:20-cv-04688
SANTIAGO, HAROLD NYANJOM, KELLIE)
NYANJOM, and SUSAN LYNN HARVEY,)
individually and on behalf of all)
others similarly situated,)
)
Plaintiffs,)
vs.)
)
GOOGLE LLC,)
)
Defendant.)
-----)

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REMOTE PROCEEDINGS OF THE
VIDEOTAPED DEPOSITION OF CHRISTOPHER RUEMMLER
FRIDAY, SEPTEMBER 9, 2022

REPORTED BY NANCY J. MARTIN
CSR. NO. 9042, RMR, RPR
PAGES 1-235

1 BY MR. FRAWLEY:

2 Q. Who is David Monsees?

3 A. David Monsees works on WAA.

4 Q. At this time, in July 2019, did you work with
5 Mr. Monsees on a regular basis?

6 A. No.

7 Q. Prior to this E-mail exchange in July 2019,
8 had you ever spoke- -- had you ever communicated with
9 Mr. Monsees before?

10 A. I can't recall. I don't know.

11 Q. That was a bad question. Prior -- at this
12 point in time, in July 2019, did you speak with
13 Mr. Monsees on a regular basis about work?

14 A. In 2019?

15 Q. Yes.

16 A. Well, I mean "regular basis" is kind of
17 vague. So I don't -- you know, he's not -- I work on
18 Gmail. I work on Workspace. So on a regular basis,
19 I'd have to say no because I wasn't probably -- you
20 know, I'm working on my own area; right?

21 Q. And at any point since you've been at Google,
22 have you been -- let me restart this.

23 At any point since you've been at Google,
24 have you ever communicated with Mr. Monsees on a
25 regular basis about work?

1 testimony and the document.

2 THE WITNESS: Yeah. So I can only, you
3 know -- you know, it's back in 2019. But like I said,
4 I work in Workspace. Everything is GAIA tied. So if
5 it's not GAIA tied, it's not there; right? There's no
6 notion of something other than GAIA tied. That's just
7 my background.

8 BY MR. FRAWLEY:

9 Q. Sorry. I don't believe that answered my
10 question. So my question was -- and I'll read it
11 again.

12 A. Uh-huh.

13 Q. Why, in July 2019, did you think that if WAA
14 was off, that none of this data in Exhibit 7 would be
15 sent to Google?

16 MR. SANTACANA: Objection. Misstates prior
17 testimony and the document. Vague.

18 THE WITNESS: Yeah, because my background is
19 GAIA-tied data. So I probably had the impression back
20 then that when WAA is on, it's associated with a
21 particular user in My Activity and when WAA is off,
22 well, there's no association anymore because you can't
23 GAIA tie it anymore to save it, so there's no data
24 being sent; right? But I don't believe that's the way
25 it works. Again, I don't work in WAA.

1 BY MR. FRAWLEY:

2 Q. So -- sorry. Right now you don't believe
3 that's the way it works. Fair?

4 A. Right now, after gaining more knowledge, I
5 believe there's other mechanisms used to store the
6 data at Google anonymously.

7 Q. What do you mean by "anonymously"?

8 A. Not tied to a GAIA ID.

9 Q. When you say storing the data at Google, what
10 do you mean by "at Google"?

11 A. On Google infrastructure.

12 Q. So which -- well, can you give me examples of
13 Google infrastructure?

14 A. Spanner was one.

15 Q. So fair to say that WAA off data is stored in
16 Spanner?

17 A. I don't know exactly where it's stored.

18 MR. SANTACANA: Yeah. Lacks foundation.

19 THE WITNESS: I don't work in the WAA group.

20 BY MR. FRAWLEY:

21 Q. So you don't know where, within Google, WAA
22 off data is stored. Is that fair?

23 A. You know, I couldn't give you a solid answer
24 there because I don't work in the WAA team.

25 Q. You said you can't give me a solid answer.

1 Q. What does it mean to choose not to store data
2 in my account?

3 A. My account is GAIA-tied data. So whenever I
4 refer to my account, it's always GAIA-tied data;
5 right?

6 Q. And how would someone choose for data to be
7 GAIA tied, as opposed to not GAIA tied?

8 A. Well, if you're logged in --

9 MR. SANTACANA: Sorry. Objection. Calls for
10 speculation. Lacks foundation. Vague and ambiguous.

11 THE WITNESS: Can you repeat the question
12 again.

13 BY MR. FRAWLEY:

14 Q. Yes. I don't know if it's going to be the
15 exact, same question, but I'm going to try to ask the
16 same question.

17 A. Okay.

18 Q. How would someone choose to make the data
19 GAIA tied, as opposed to not GAIA tied?

20 MR. SANTACANA: Same objections.

21 THE WITNESS: Okay. I'm not sure if they can
22 choose or not, but if you're logged in, then we know
23 your GAIA identify and we can GAIA tie data, but like
24 there may be cases where it's not GAIA tied either.

25 BY MR. FRAWLEY:

1 Q. And when you wrote --

2 A. -- tied to --

3 Q. Sorry. I'm so sorry. Are you finished with
4 the answer? I don't want to interrupt.

5 A. Yeah.

6 Q. When you wrote "my account," is that just
7 like another way of saying My Activity?

8 A. When I say "my account," that means like my
9 Google account or my -- you know, associated with my
10 GAIA ID.

11 Q. And when someone is not logged into Google,
12 does Google have access to that data?

13 MR. SANTACANA: Objection. Vague and
14 ambiguous. Calls for speculation.

15 THE WITNESS: I don't know what you mean by
16 "that data." I'm not quite sure of the question. Can
17 you rephrase your question?

18 BY MR. FRAWLEY:

19 Q. Sure. Does Google ever receive logged-out
20 data?

21 MR. SANTACANA: Objection. Lacks foundation.
22 Vague and ambiguous.

23 THE WITNESS: Again, I work on Workspace. So
24 in Gmail, even Gmail I don't know for sure because
25 Gmail is huge in itself; right? But the primary

1 A. Yeah.

2 Q. Why was that really bad?

3 A. I have to figure out what this is. Okay.
4 I'm not sure what I mean by "or any of the other
5 controls."

6 I have to read after, "This is really bad."
7 (The witness reviewed the document.)

8 THE WITNESS: This all appears to be, you
9 know, thinking that the data is GAIA tied, because as
10 you can see, after I said, "This is really bad," I
11 talk about storing data that the user does not have
12 access to. And you can't store GAIA-tied data that
13 the user can't, you know, control basically -- right?
14 -- that they've given to you.

15 BY MR. FRAWLEY:

16 Q. So I'm just trying to understand what you
17 meant by that. Are you saying that your understanding
18 at this time was that WAA off data was still being
19 GAIA tied?

20 A. That's my understanding -- or
21 misunderstanding maybe. Yeah, because I would write
22 that only in the case of the GAIA-tied data because
23 it's very bad in general -- you know, it's bad to have
24 data that's GAIA tied that the user gave you and they
25 have no way of deleting it because it's tied to

1 their -- you know, it's tied to them.

2 Q. So when you wrote in the next sentence, "If
3 we are storing data that the user does not have access
4 to, we need to be clear about that fact," you were
5 only thinking about GAIA-tied data when you wrote
6 that?

7 A. Again, it's three years ago, but that would
8 be a big concern, yeah, GAIA-tied data not being --
9 you know, that the user doesn't have access to, they
10 submitted; right?

11 Q. So you thought that even after a user turned
12 WAA off, that Google was still tying the data to GAIA?
13 That was your concern?

14 A. I believe back in that time, yes, that was
15 the concern based -- reading this E-mail right here,
16 because again, like I said, I work in Workspace.
17 Everything is GAIA tied. So it felt like when WAA was
18 off, the data was still being GAIA tied.

19 Q. What was your basis for thinking that the
20 data was still being GAIA tied?

21 A. I'm not sure because I hadn't looked at any
22 logs or anything like that. But reading what's
23 written here, again, it's three -- you know, 2019, it
24 looks like it was -- that was what I was coming to.
25 Based on that -- if we were storing data the user does

1 not have access to, that's really bad in my opinion;
2 right? Coming from the Gmail standpoint, if we
3 receive messages in Gmail and it's tied to the user
4 and we never show it to the user, we never give the
5 user the ability to view it but we keep it, that's not
6 good.

7 Q. Can you look at the last page of Exhibit 6.

8 A. Yep.

9 Q. And we were looking at this paragraph
10 earlier, but do you see the paragraph that begins,
11 "The temp GAIA log in"?

12 A. The paragraph that begins what?

13 Q. "The temp GAIA log in."

14 A. Yes, I see that. "The temp GAIA log in,"
15 yes.

16 Q. In the middle of that paragraph, do you see
17 where you wrote, "We still would need to modify the
18 help article above to indicate that WAA off is
19 identical to being not logged into your account (data
20 logged, but not tied to your account)"?

21 A. Okay. I'm reading this.

22 (The witness reviewed the document.)

23 THE WITNESS: Okay. I see that sentence,
24 yeah. There's a bunch of stuff around it, yeah.

25 BY MR. FRAWLEY:

1 Q. Got it. Okay.

2 A. -- or what I was commenting on; right? So I
3 can't -- it's very hard to make any, you know,
4 statement because I don't know what's linked to what.

5 Q. Do you see where you wrote, "An 'on/off'
6 toggle, it means the off state is the opposite of the
7 on state"?

8 I'm in Exhibit 11.

9 A. In the comment?

10 Q. Yeah, in the comment. Yeah.

11 A. Right. This still seems like GAIA-tied
12 stuff; right?

13 Q. Where did you say something about GAIA-tied
14 stuff in this comment?

15 A. Well, it says later, "If the on state is we
16 log your activity, the off state we don't log your
17 activity."

18 "The proposal is to temporarily log activity,
19 so something needs to change here."

20 So it seems like it's all about GAIA-tied
21 data still.

22 Q. What specifically within comment 51 -- sorry.
23 Where specifically within comment 51 did you say this
24 is all about GAIA-tied data?

25 A. I'm just telling you that's what the

1 Q. And if a user were to click on that ad, they
2 might be brought to the Ford app?

3 A. Yep.

4 Q. And then I've never bought a car. I imagine
5 people don't buy cars by clicking in an app, so maybe
6 this is a bad example. But let's say that's how it
7 works, and let's say the user is in their Gmail. They
8 see the ad for Ford. They go to the Ford app, and
9 they say yep, good price, good car, click, buy,
10 deliver to me tomorrow. Does that make sense?

11 A. Yeah, what you're describing makes sense,
12 sure.

13 Q. In that case, do you know whether or not
14 Google would track that conversion?

15 A. I don't know how it's done. I don't work on
16 the Ads team. So somehow Google needs to get paid,
17 and somehow the money needs to come by -- you know,
18 from the person that got the, I guess, conversion;
19 right? I don't know how that's done.

20 Q. Now, you say you don't know how it's done,
21 but fair to say that it is done, that Google is
22 tracking conversions in that kind of example?

23 A. Again, I don't work on the Ads team, so I
24 don't know how they make their revenue. But just as a
25 layperson, like somehow if I'm Ford and Google is

1 charging me money for ads, I want to make sure that
2 like people are visiting my site before I pay Google
3 money for ads; right? You know, there's got to be
4 some sort of way to do this.

5 Q. Were you at any point using WAA-off data to
6 measure anything for Gmail?

7 A. WAA what?

8 MR. SANTACANA: Objection. Vague and
9 ambiguous.

10 BY MR. FRAWLEY:

11 Q. Were you at any point using WAA-off data to
12 measure anything for Gmail?

13 A. Not that I know of. Gmail is GAIA-tied
14 access, logged-in access-type stuff.

15 Q. Were you at any point using WAA-off data to
16 measure anything for Workspace?

17 A. Not that I know of.

18 Q. When we were discussing that example a moment
19 ago of going from the Gmail app to the Ford app and
20 buying a car, do you recall that discussion?

21 A. Uh-huh.

22 Q. Now, would Google's ability to track the
23 conversion hinge on whether or not the user had WAA on
24 or off?

25 A. I don't know. I don't work on the Ads team,

1 but I would suspect not. But, like, I don't know.

2 Q. Who would you recommend that I ask at Google
3 to get the correct answer to that question?

4 A. Someone in the Ads team.

5 Q. Anyone come to mind off the top of your head?

6 A. No, not really. Teams move -- you know, I
7 had one engineering contact at one point but no
8 longer.

9 MR. FRAWLEY: Okay. Mr. Ruemmler, I don't
10 have any further questions for you at this time. But
11 if your counsel has any questions, then I might have
12 questions about that.

13 MR. SANTACANA: I don't have any questions.


14 MR. FRAWLEY: Okay. We can go off the record
15 then.

16 THE VIDEOGRAPHER: If there's nothing
17 further, we are off the record at 5:02 p.m. Pacific
18 daylight time. This concludes today's testimony given
19 by Chris Ruemmler. The total number of media units
20 used was seven and will be retained by Veritext Legal
21 Solutions.

22 MR. SANTACANA: We're going to designate this
23 highly confidential. We have a period of time to make
24 some more specific designations under the protective
25 order, but please make sure there's a "Highly

C E R T I F I C A T E

I do hereby certify that the aforesaid testimony was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said deponent was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true and correct record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.



Nancy J. Martin, RMR, CSR

Dated: September 15, 2022

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